

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE**

BRUCE M. RICKARDS,

C.A. NO. 06-799

Plaintiff,

vs.

**EASTERN SHORE CHICKEN FARM
LLC, a limited liability company of the
State of Delaware;**

Defendant,

MOTION TO REMAND

Plaintiff Bruce M Rickards hereby moves that the above captioned matter be remanded to the Superior Court of the State of Delaware in and for Sussex County.. The ground for this motion is as follows:

- 1.. Defendant never specifically states the section of the United States Code upon which it is relying to support its attempted removal.. At one point, Defendant refers to 28 United States Code §1443, but never states why that statute has any relevance to this mortgage foreclosure action. Defendant never states what alleged right under law providing for equal civil rights of citizens of the United States cannot be enforced in the Superior Court of the State of Delaware,
- 2.. Defendant states no other reason that might form the basis for this Court's jurisdiction.. There is none First, this is an action enforcing a mortgage There is no in personam relief sought whatsoever.. Rather, it is strictly an in

rem action seeking to enforce a lien against real property located in Sussex County, Delaware.

3. Secondly, the owner of the property against which that in rem relief is sought, and the Defendant in that mortgage foreclosure action, is a legal entity by the name of Eastern Shore Chicken Farm, LLC That legal entity is a limited liability company of the State of Delaware.. Notwithstanding the fact that the complaint seeks purely an in rem remedy against real property, the Defendant is as a matter of law a citizen of the State of Delaware. It is inappropriate in determining diversity of citizenship to consider the citizenship of the members of the limited liability company, which members are not a party to the litigation.,

As a matter of law, the Court does not have jurisdiction over the claims asserted herein and the matter must be remanded to the Superior Court of the State of Delaware in and for Sussex County.

WILSON, HALBROOK & BAYARD
107 West Market Street
P. O. Box 690
Georgetown, DE 19947
(302) 56-0015

Laurence C. Howard (ID# 2066)
Attorneys for Plaintiff

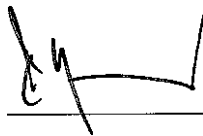
Dated: January____, 2007

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned caused to be mailed, by United States Mail, postage prepaid, one (1) copy of the within **MOTION TO REMEND** to:

Duc Ngo
Iina Ngo
PO. Box 1374
Ocean View, DE 19970

On this VI day of January, AD.. 2007.



Eric C. Howard, Esquire